

| DIST/OFFICE | DOCKET |        | FILING DATE |     |      | J | N/S | O | R | R<br>23 | S | DEMAND<br>OTHER | JUDGE<br>NUMBER | JURY<br>DEM. | DOCKET |        |
|-------------|--------|--------|-------------|-----|------|---|-----|---|---|---------|---|-----------------|-----------------|--------------|--------|--------|
|             | YR.    | NUMBER | MO.         | DAY | YEAR |   |     |   |   |         |   |                 |                 |              | YR.    | NUMBER |
| 1085/4      | 75     | 0048   | 02          | 04  | 75   | 1 | 220 | 1 |   |         |   | 37 foreclosure  | 9509            |              | 75     | 0048-B |

PLAINTIFFS

DEFENDANTS

UNITED STATES OF AMERICA

THE LANDSCAPERS, INC., Carl R. Miller, Mae Marie Miller, husband and wife; Harold O. Scott and Sue Ellen Scott, husband and wife; Harold D. Stephens and Sadie A. Stephens, husband and wife; Southern Lumber Company; Eastern Rainbird Sales, Inc.; Oklahoma Natural Gas Company, a corp.; Hillside Nursery; JATASCO, Inc.; Teale and Company; Anchor Concrete Company; Nortex Wholesale Nursery, Inc.; County Treasurer, Tulsa County, Oklahoma; and The Board of County Commissioners, Tulsa County, Oklahoma.

CAUSE

Action brought by U.S.A. for and on behalf of Small Business Administration. Jurisdiction pursuant to 28 USC §1345 and 15 U.S.C. §634(b).

Mtg. foreclosure.

ATTORNEYS

NATHAN G. GRAHAM  
ROBERT P. SANTEE

Gary J. Summerfield  
Asst. District Attorney  
(Bd. of Cty. Commissioners and  
Cty. Treasurer) 584-0071

John M. Sharp (ONG)  
Fifth Floor Okla. Natural Bldg.  
Tulsa, Okla. 74119

James L. Sneed (Teal & Co.)  
411 Thurston National Bldg.  
Tulsa, Okla. 74103

Richard W. Riddle(Hillside Nursery)  
1201 Fourth Natl. Bk. Bg.  
Tulsa, Ok. 74119

Russell H. Harbaugh, Jr. (Nortex)  
2400 First Natl. Tower  
Tulsa, Oklahoma 74103

| <input type="checkbox"/> CHECK HERE<br>IF CASE WAS FILED IN FORM A PAUPERIS | FILING FEES PAID |                |             | STATISTICAL CARDS |             |
|---|------------------|----------------|-------------|-------------------|-------------|
|   | DATE             | RECEIPT NUMBER | C.D. NUMBER | CARD              | DATE MAILED |
|   |                  |                |             | JS-5              | 3-1-75      |
|   |                  |                |             | JS-6              | 10-1-75     |

| DATE    | NR. | PROCEEDINGS  |
|---------|-----|--|
| 2-4-75  | 1.  | Complaint, filed. Summons issued. rm   |
| 2-24-75 | 2.  | Answer and Counterclaim, filed. lm   |
| 2-24-75 | 3.  | MOTION of deft.ONG for enlargement of time to plead or ans., filed.lm  |
| 2-24-75 | 4.  | ORDER allowing enlargement of time, filed (JCS-Clk) lm cps mld. <i>by atty</i>   |
| 2-24-75 | 5.  | ANSWER of Deft., Cty. Treasurer, filed.jj  |
| 2-24-75 | 6.  | ANSWER of Deft., Bd. of Cty. Commissioners, filed.jj   |
| 2-24-75 |     | SUMMONS, ret. & filed: served The Landscapers, Inc., Carl R. Miller, Mae Marie Miller on 2-7-75; served Harold O. Scott, Sue Ellen Scott, Southern Lumber Co., Okla. Natural Gas Co., Jatasco, Inc., Teale & Company, Anchor Concrete Co., on 2-6-75; served Harold D. Stephens and Sadie A. Stephens on 2-7-75; Eastern Rainbird Sales, Inc. on 2-12-75; Hillside Nursery on 2-18-75; Nortex Wholesale Nursery, Inc., 2-10-75; Tulsa County Treas. and Bd. Commrs., 2-5-75. (USM \$89.92) |
| 2-28-75 | 7.  | Deft. Nortex Wholesale Nursery, Inc.'s application for 15 day extension of time to plead or answer, and ORDER granting Deft. until March 15, 1975 to plead or answer, filed.(JCS-Clk) b  |
| 3-5-75  | 8.  | Disclaimer by Hillside Nursery, filed. g   |
| 3-11-75 | 9.  | Answer of deft. Okla. Natural Gas Co., filed. hm   |
| 3-17-75 | 10. | ANSWER of deft. Nortex Wholesale Nursery, Inc., filed.jj   |
| 4-23-75 | 11. | Entry of default by Clerk, filed, w/Affidavit for Entry of Default by Clerk. lm As to defts. Landscapers, Inc., Carl R. Miller, Mae Marie Miller, Harold O. Scott, Sue Ellen Scott, Harold D. Stephens,  |
| 4-23-75 | 12. | Motion for S/J, filed. lm Sadie Stephens, So. Lumber Co., Eastern Rainbird Sales, Jatasco & Anchor Concrete Co.  |
| 4-23-75 | 13. | Brief in Support of Motion for S/J, filed. lm  |
| 4-23-75 | MO  | It is ordered by the Court that defts. are given 10 days to file a responsive brief to pltf's Motion for S/J.lm ltrs mld.  |
| 5-1-75  | 14  | Response of deft. Teale & Co. to pltf's mot. for S/J, filed.k  |
| 5-2-75  | 15. | Response of Deft., Nortex Wholesale Nursery, Inc., to Pltf.'s Mot. for Summary Judgment, filed. v  |
| 5-2-75  | 16. | Response of Deft. OK Natural Gas Co. to Pltf.'s Mot. for Summary Judgment, filed. v  |
| 5-21-75 | MO  | Case feferred to Mag. Bradford for hrg/rec re pending mots. (AE_B-J)k  |
| 8-13-75 |     | Case called for hearing on Pltfs motion for summary judgment. Parties represented. Pltf's motion is sustained. Pltf. to prepare order & finding & Recommendations in five days.(MLB-Mag) b   |
| 8-22-75 | 17  | Findings & Recommendations of Magistrate, filed., that pltf's mot. for S/J be granted; that the mortgage lien of pltf. be decreed supior to defts' various judgment liens and tax liens; and that a final judgment of foreclosure should be entered directing, <u>inter alia</u> , that the subject property be sold at Marshal's sale. (MLB-MAG)k   |
| 9-3-75  | 18. | Order, filed, that the Mot. of the U.S.A. for Summary Judg. be sustained. Further ordered that the liens of various defts. be declared inferior to the mortgage lien of the U.S.A. & that final judg. of foreclosure be entered accordingly, inter alia, in that property be sold at Marshal's Sale. (AEB-J)v -cps. mld.   |

## CIVIL DOCKET CONTINUATION SHEET

Barrow

| PLAINTIFF |     | DEFENDANT  | DOCKET NO. 75-C-48          |
|-----------|-----|--|-----------------------------|
| USA       |     | The Landscapers, Inc et al   | PAGE 2 OF 2 PAGES<br>sheets |
| DATE      | NR. | PROCEEDINGS  |                             |
| 10-8-75   | 19. | Judgment of Foreclosure, filed & entered, that Pltf. have & recover Jugmt against defts, The Landscapers, Inc., Carl R. Miller, Mae Marie Miller, Harold O. Scott, Sue Ellen Scott, Harold D. Stephens & Sadie A. Stephens of \$36,819.73 plus interest accrued of \$352.86 through 9-13-73 & interest accruing thereafter at the rate of \$7.0571 per day 'til paid and costs. And, County of Tulsa have & recover jugmt in rem against defts. The Landscapers, Inc., Carl R. Miller, Mae Marie Miller Harold O. Scott, Sue Ellen Scott, Harold D. Stephens & Sadie A. Stephens of \$1,342.00 from date of this jugmt. plus interest for personal property taxes, but that such jugmt is subject to & inferior to the first mortgage lien of the Pltf. mm |                             |
| 10-14-75  | 20. | Bill of Costs <sup>filed &amp;</sup> Taxed in the Amount of \$124.92.mm  |                             |
| 10-14     |     | Order of sale issued. g  |                             |
| 11-6      | 21  | Order of sale, filed. g  |                             |
| 11-6      | 22  | Oath of appraisers, filed. g   |                             |
| 11-6      | 23  | Appraisement (\$12,500.00), filed. g   |                             |
| 12-18     | 24  | Notice of Sale, filed w/ USM Return of Service 12-15-75 (\$15.00)lm  |                             |
| 1-12-76   | 25  | Marshal's return of sale, w/proof of publication attached, filed.rm (Fee \$52.36)  |                             |
| 1-14      | 26. | Mot. to Confirm Sale, fld. by Pltf. v (o)  |                             |
| 1-16      | 27. | Order confirming Marshal's sale, filed. (AEB-J)lm  |                             |
| 11-21-78  | 28  | Release of Judgment, fld. ho   |                             |

|           |           |   |
|-----------|-----------|---|
| PLAINTIFF | DEFENDANT | DOCKET NO. _____<br>PAGE ____ OF ____ PAGES |
|-----------|-----------|---|

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

## PROCEEDINGS